

RECEIVED
APR 10 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 6 2012	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases 73-12049, 73-12055,
	)	73-12058, 73-12090 and 73-12061
	)	(Kraatz)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claims 73-12049, 73-12055, 73-12058 and 73-12090 to Robert P. Dreyer for .18 cfs, 1.1 cfs, .23 cfs and 1.51 cfs from Big Creek to irrigate 48.2 acres in Lemhi County from April 1 to October 31 with priority dates of October 19, 1903, June 1, 1895, December 7, 1905, and June 4, 1921, based on a decree or beneficial use. The Director recommended claim 73-12061 be disallowed: "No beneficial use found."

Mr. Dreyer filed *Objections* on December 19, 2007, objecting to quantity and place of use and the claim not being recommended as filed (73-12061). IDWR filed a *Notice of Completed Administrative Proceeding* on March 29, 2011, for a substitution of party with the new claimant Richard Kraatz, P.O. Box 4420, Ketchum, Idaho 83340. On April 5, 2012, Mr. Kraatz, with IDWR's concurrence, filed *Standard Forms 5* agreeing to the elements of claims 73-12049, 73-12055, 73-12058 and 73-12090 and to disallowal of claim 73-12061.

Conclusions of Law

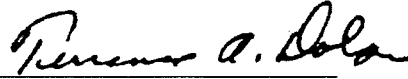
1. Mr. Kraatz is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-12049, 73-12055, 73-12058 and 73-12090*; and

2. Mr. Kraatz is **not** entitled to a partial decree for claim 73-12061.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 73-12061 be **disallowed**.

DATED April 6, 2012.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-12049

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM, ID 83340

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.18 CFS

PRIORITY DATE: 10/19/1903

POINT OF DIVERSION: T13N R24E S18 SESESW Within Custer County
SWSESE Within Lemhi County
SESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.18 CFS

PLACE OF USE:	Irrigation	Within Custer & Lemhi County
	T13N R23E S13 SESE 3.0	
	R24E S18 NESW 15.0 LOT 3 (NWSW) 19.0	
	LOT 4 (SWSW) 16.0 SESW 27.0	
	SWSE 10.0	
	90.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 90 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12055, 73-12058, 73-12090. The rights listed below are limited to the irrigation of a combined total of 100.5 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12052, 73-12055, 73-12058, 73-12090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Seventh Judicial District

RECOMMENDATION

APR - 6 2012

Thomas A. Olson
SPECIAL MASTER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-12055

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM, ID 83340

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.10 CFS

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION: T13N R24E S18 SESESW Within Custer County
SWSESE Within Lemhi County
SESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.10 CFS

PLACE OF USE:	Irrigation	Within Custer & Lemhi County
	T13N R23E S13 SESE 3.0	
	R24E S18 NESW 15.0	LOT 3 (NWSW) 19.0
	LOT 4 (SWSW) 16.0	SESW 27.0
	SWSE 10.0	
	90.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 90 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12055, 73-12058, 73-12090. The rights listed below are limited to the irrigation of a combined total of 100.5 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12052, 73-12055, 73-12058, 73-12090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

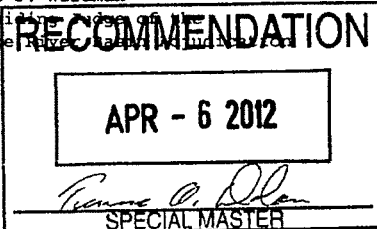
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Eric J. Wildman

President, Snake River

Snake River Water Users Association



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-12058

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM, ID 83340

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.23 CFS

PRIORITY DATE: 12/07/1905

POINT OF DIVERSION: T13N R24E S18 SESESW Within Custer County
SESESE Within Lemhi County
SWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.23 CFS

PLACE OF USE:	Irrigation	Within Custer & Lemhi County
	T13N R24E S13 SESE 3.0	
	S18 NESW 15.0 LOT 3 (NWSW) 19.0	
	LOT 4 (SWSW) 16.0 SESW 27.0	
	SWSE 10.0	
	90.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 90 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12055, 73-12058, 73-12090. The rights listed below are limited to the irrigation of a combined total of 100.5 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12052, 73-12055, 73-12058, 73-12090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

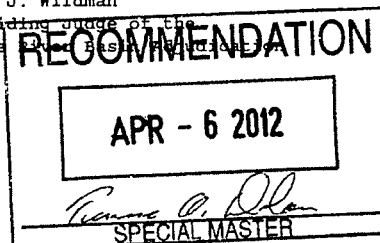
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Eric J. Wildman

Presiding Judge of the
Snake River Basin Reclamation



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-12090

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM, ID 83340

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.09 CFS

PRIORITY DATE: 06/04/1921

POINT OF DIVERSION: T13N R24E S18 SESESW Within Custer County
SWSESE Within Lemhi County
SESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.09 CFS

PLACE OF USE:	Irrigation	Within Custer & Lemhi County
	T13N R23E S13 SESE 3.0	
	R24E S18 NESW 15.0	LOT 3 (NWSW) 19.0
	LOT 4 (SWSW) 16.0	SESW 27.0
	SWSE 10.0	
	90.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 90.0 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12055, 73-12058, 73-12090. The rights listed below are limited to the irrigation of a combined total of 100.5 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12052, 73-12055, 73-12058, 73-12090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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RULE 54(b) CERTIFICATE

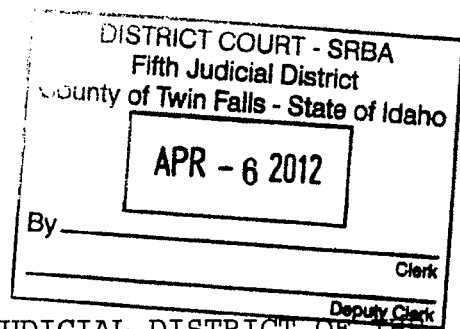
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR - 6 2012

Thomas P. Olsen
SPECIAL MASTER



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

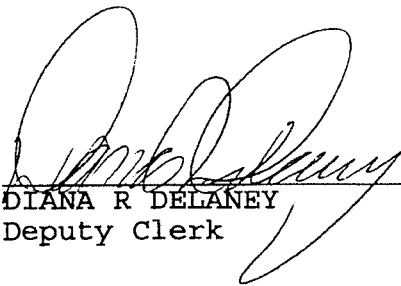
Water Right(s): 73-12049
73-12055 73-12058 73-12061
73-12090

On April 06, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

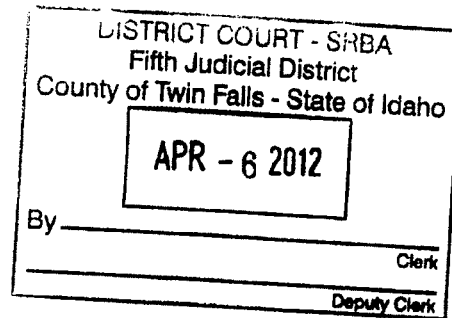
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 06, 2012.



DIANA R DELANEY
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 73-12049
73-12055 73-12058 73-12061
73-12090

CERTIFICATE OF MAILING

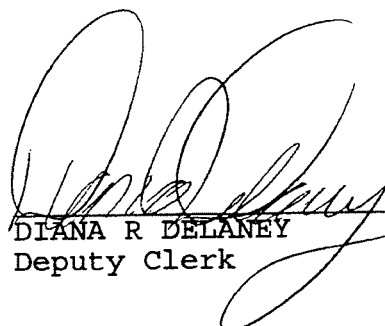
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 06, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROBERT P DREYER
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

RICHARD KRAATZ
PO BOX 4420
KETCHUM, ID 83340

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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